

MINUTES
GREEN BAY PLAN COMMISSION
Monday, January 25, 2016
City Hall, Room 604
6:00 p.m.

MEMBERS PRESENT: Maribeth Conard–Chair, Tim Gilbert-Vice Chair, Sid Bremer, and Ald. Jerry Wiezbiskie

MEMBERS EXCUSED: Tim Duckett and Heather Mueller

OTHERS PRESENT: Kevin Vonck, Mark Lyons, Stephanie Hummel, Lawrence Ferry, Ald. Guy Zima, Wobin Zhang, Ald. Mark Steuer, Lisa Hanson, Noel Halvoersen, Tim Denissen, and Joshua Schwalde

APPROVAL OF MINUTES:

Approval of the minutes from the January 11, 2016, Plan Commission meeting

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to approve the minutes from the January 11, 2016, Plan Commission meeting. Motion carried.

COMMUNICATIONS:

OLD BUSINESS:

M. Conard stated that they will be moving Item #3 to the first item of business.

NEW BUSINESS:

3. (ZP 16-03) Discussion and action on the request for a Conditional Use Permit (CUP) for a single family dwelling in an Office Residential (OR) District located at 219 N Ashland Avenue. (Ald. G. Zima, District 9)

M. Lyons stated this is a Conditional Use Permit (CUP) request for a single family residence in an Office Residential (OR) District. The area is predominately single family homes. The Comp Plan designates the area as Low/Medium Density Housing. The east side of the alley way is Office Residential zoning for several blocks, which is mostly single-family uses, and on the west side of the alley we have single family zoning. The applicant is looking to add a half-bath on the back of their home. The home is a two-story home with the bathroom on the second floor. Staff is recommending approval of the request.

Lawrence Ferry – 219 N. Ashland Avenue: L. Ferry stated the main reason for the half-bath is that they are getting a little older and the only bathroom they have is on the second floor. They would like a first floor bathroom due to health concerns.

Ald. G. Zima agreed and supported the request.

L. Ferry then asked about the CUP fee of \$300 for such a small project. He stated he understood the cost if it was a bigger project, but expressed his displeasure to Commissioners

about the fee for a project this small. He asked the Commission if they would consider refunding the CUP fee as they cannot afford the fee due to hard times.

K. Vonck gave L. Ferry his business card and asked him to call him and they would then discuss the issue with Plan staff.

Ald. J. Wiezbiskie asked that the decision and the reason for the cost of the permit be shared with the alderman of that particular district.

A motion was made by S. Bremer and seconded by T. Gilbert to approve a Conditional Use Permit (CUP) for a single family dwelling in an Office Residential (OR) District located at 219 N Ashland Avenue. Motion carried.

1. (ZP 16-01) Discussion and action on the request for a Conditional Use Permit (CUP) for a two-family use in a Low-Density Residential (R1) zoning district located at 898 Shawano Avenue, submitted by Wobin Zhang, property owner. (Ald. M. Steuer, District 10)

S. Hummel stated that this request is coming through on an R1 District. A Conditional Use Permit (CUP) is required for any two-family uses. From the information gathered, this unit was converted to a two-family property between the years 1983-1993. The applicant was notified of the status of a two-family in the R1 zoning based on a complaint from the City Building Inspector. The area is predominately single family homes, although there are a number of two-family homes in the area. The Comp Plan does call for single family homes in the area. The property in question has already been converted and has been maintained as a two-family unit for a number of years. Many institutional uses, including a high school, fire station, and church, surround this property. Staff is recommending approval to the request subject to compliance with building codes, specifically with adding a second exit on the second floor.

Ald. J. Wiezbiskie asked S. Hummel if the neighborhood association has been notified of the request. S. Hummel stated that they were notified when the notification letter was sent out to property owners. M. Conard asked if the property is in the Fort Howard Neighborhood. Ald. J. Wiezbiskie suggested it is important that the neighborhood association president be contacted. S. Bremer asked for information regarding the one objection that was received. S. Hummel stated that the objection is from a representative of a property owner that does not live at the property. There was no reason for the objection given.

Ald. M. Steuer stated he agreed with Ald. J. Wiezbiskie that the neighborhood association needs to be contacted regarding this type of issue. He stated he is against the request and has a problem with this for the fact that the property was already converted, why does it have to stay a two-family or grandfather it in. Overall, he feels there are too many rental properties in the City. He also stated that he spoke with Will Peters, President of the Fort Howard Neighborhood Association, and he too is against this request. He believes in the concept of taking two-family homes and converting them back to single family homes.

S. Bremer asked Ald. M. Steuer if he could go into more detail regarding the reasons for the Neighborhood Association president being not in favor for this request as simply a matter of density of the two-family uses. M. Steuer stated he was leaning on the fact that it has been a struggle and a battle to try and get the single-family homes as such to be more owner occupied. S. Bremer asked Ald. M. Steuer if he is against the fact that these are not two-family owner occupied and would rather see them as owner occupied. He stated yes, he has no issue with owner occupied two-family, however, he has an issue with non-owner occupied homes. He is

also concerned about whether or not the current tenants will remain. He is not totally against rental properties, but over time has seen an increase in density.

Ald. J. Wiezbiskie stated he too has an issue with this request and the fact that the issue hadn't been fixed once zoning ordinances were in place.

M. Conard asked if there have been any police calls to this particular property. S. Hummel stated she did not look up any police data regarding the property.

M. Conard suspended the rules for public comments.

Wobin Zhang – 1498 Parkway Drive: W. Zhang gave a brief history of the property and that he bought it about 5 years ago. He stated that it was already a two-family home at that time. He stated that there have not been many police calls to the residence. He stated the reason for this request is because there was a complaint called in regarding no fire exit door for the second floor. That is when he found out he needed a CUP for the two-family unit. He thinks he would have a hard time renting out a single-family home rather than two separate units and would cost a lot of money to convert it back.

Ald. J. Wiezbiskie asked how long W. Zhang owned the building and if it was already a two-family unit. He stated that he bought the property in April 2010 and it was a two family unit already. Ald. J. Wiezbiskie asked S. Hummel that when a house changes owners, if these things are looked into. S. Hummel stated that the real estate agents do not have to inform us that a place has gone on the market. Some people do verify the zoning before purchasing a piece of property, but they are not required to by law. The home can be legally listed as a two-family without it actually being a two-family because we don't actually have the inspection capabilities to verify the use of each residential property. Typically illegal conversions are found by complaints.

M. Conard explained that past practice is that Commissioners have allowed for two-family units to stay as two-family units. As long as it is currently occupied, they can continue to operate as a two-family. The only time they have to convert is when one or both of the units are no longer occupied for at least one year. M. Conard feels they are putting W. Zhang through undue stress. She feels this is a two-family that he purchased as a two-family and is being used as a two-family. As much as she would love to see every house in Downtown Green Bay that is supposed to be a single-family used as a single-family home, she does not believe that legally they can ask him to change it to a single-family in this case. She does not feel it would be ethical in asking him in this case. It is not his fault that the home was converted many years prior to him purchasing the home.

S. Bremer stated she agrees with M. Conard. Staff has told them this has been a two-family use for at least 20 years. The Commission has faced these situations many times in the past, but only in the situation where the property is unoccupied for a year or more. S. Bremer continued and stated that her one concern is the recent police call that W. Zhang had mentioned. She would like to know what the call was about. S. Bremer stated she is inclined to table this request until this matter can be checked into. She does think Ald. M. Steuer raises an issue that has come up several times; that being owner occupancy. There have been many situations where neighbors have objected to that status because it was rented out and not occupied by the owner. She is wondering whether or not there is any way that they can address that distinction, but doesn't legally know if this can be done.

A motion was made by S. Bremer to table the request for a Conditional Use Permit (CUP) for a two-family use in a Low-Density Residential (R1) zoning district located at 898 Shawano Avenue, for two weeks, to look into the recent police calls for the property.

Ald. J. Wiezbiskie asked W. Zhang for some additional rental history information regarding the current tenants. W. Zhang gave a brief history of his tenants.

Ald. M. Steuer stated he did talk to citizens along Allard and they are concerned with traffic volume, police calls and the number of people living in each unit. He does agree with S. Bremer about checking into the recent police calls for the property.

T. Gilbert asked M. Lyons what the limit is for the number of people living in a unit. M. Lyons stated that if they are related there is no cap; however, if they are not blood relation, there is a cap but he was unsure of the number at this point.

K. Vonck stated that you cannot require owner occupancy for two-family uses. However, it is something to consider regarding the CUP like they do for TRPs. K. Vonck then gave Commissioners some information on the number of rentals in the City of Green Bay. He stated that out of all of the housing units in Green Bay, about 42 percent are rental property, most of which are in apartment complexes. There are about 25,200 detached homes and of that 11 percent are occupied by renters.

Lisa Hanson – 708 Kellogg: L. Hanson stated that she is the Vice-President for the Fort Howard Neighborhood Association. She is an owner of an owner occupied duplex. She stated that if she was in the same situation as W. Zhang, and was forced to convert her duplex into a single family use, she would find that as an undue hardship. She stated that more people are renting and no longer buying homes and rentals are full. As far as the neighborhood goes, the property in question has been a two-family use for 20-30 years and she does not have an issue with it. She has not talked with the president of the neighborhood association and does not know where the neighborhood association stands on the issue. Again, she has no issue with the property staying a two-family use as long as it is up to code for it to legally be a two-family property.

M. Conard returned the meeting to regular order of business.

S. Bremer again stated she has a motion on the floor to table this request, seconded by Ald. J. Wiezbiskie.

M. Conard stated that she disagrees as the property has been a two-family for so long and there is no reason to table the item. She doesn't think that this is up for the discussion even if the property has had a lot of police calls. She again stated that these normally don't get converted unless they have been empty for one year and she is not sure if they can legally ask him to convert the home.

K. Vonck stated that the question at hand tonight is to whether or not to grant the CUP. He stated the Commission has a choice to grant it or not. There is a process for appealing if the applicant feels the request was unjustly denied. A discussion continued between commissioners and K. Vonck on what merits should be used to grant the CUP. Ald. J. Wiezbiskie stated that they are not denying the request, just asking for more information to make a solid decision and can't understand why they cannot have what they are asking for.

T. Gilbert stated that he agrees with Ald. J. Wiezbiskie, however, feels the police report will come back without any major concerns and the Commissioners will approve the request at that time. He can accept the motion to table the request.

Motion carried.

2. (ZP 16-02) Discussion and action on the request to amend a previously approved Planned Unit Development (PUD) to modify the existing permitted uses for Unit B from condominium units to passive commercial for a Farmory located at 813 Chicago Street. (Ald. Tim De Wane, District 4)

M. Lyons stated that this is part of the NeighborWorks PUD on Chicago Street. The original PUD called for 10 or less condominiums being placed in the building. The project was not able to move forward as they could not get the funding. A number of years later they kept coming back to amend the PUD for a farmory use. A farmory is an indoor agriculture use with education based uses. The Comp Plan for the area is broken into many types of uses, resulting in why the original area was done as a PUD. There is some Commercial Zoning underlying the PUD as well as residential. Staff is recommending approval of the request.

S. Bremer asked what passive commercial was. M. Lyons stated it is used more for agriculture use; they do want to have a small retail component where they may sell some of the products grown on site, so it is a commercial venture, and the passive is reflecting more of the agriculture use and there is active commercial business going on. S. Bremer also asked about the parking and wanted to know if there was separate parking for each unit as there are three units or is there some shared parking. M. Lyons stated there is some shared parking; however, he will let the petitioner explain that in further detail. They are looking to mirror the parking that is on Unit A to Unit B, which are approximately 15 spaces.

M. Conard suspended the rules to allow for public comments.

Noel Halvorsen – 437 S. Jackson St: N. Halvorsen showed Commissioners an aerial view of the property and described the buildings and where they sit on the property. He then informed Commissioners what buildings were razed and gave more information regarding the off-street parking. He stated the building itself was built in the 1920's and is approximately 20,000 sq. ft. with a 14 in. concrete floor between the first and second levels. Staff has asked why the building was not built into condominiums. N. Halvorsen stated that one of the challenges was when they looked at the penetration for stair cases and mechanicals through 14 in. of concrete for 10 units was way too expensive. They finally found a use where 14 in. thick floors will help them out. They can put some equipment in there and can grow food in the building. Their vision is that the building will be filled with grow systems and that community members will engage in that facility, learning the farming process and help in the production of food that is then sold in the community. It will also ? learning that operation and earning access to scholarships and programs at NWTC, as well as other Community programs that can help improve employability or start a new career. They are creating a Board of Directors to help with the project. They are bringing the building back to life and it will be an asset to the community.

S. Bremer asked about the indoor parking for a maintenance vehicle. N. Halvorsen explained that this vehicle is used all over the region for inspections for Brown County and NeighborWorks owner occupied homes among other uses. He then explained to Commissioners the layout of the parking structure for the vehicle.

N. Halvorsen also mentioned that they have been working with the City on this project. This project was the beneficiary of a US Conference of Mayors Grant in cooperation with Wells Fargo. This is one of six grants given across the country. They have a number of supporting partners in the community and will be looking for many more to bring the project to reality.

Ald. J. Wiezbiskie asked additional questions regarding the parking of the maintenance vehicle. N. Halvorsen stated the garage for the vehicle will be up to code. They are still currently working out the design for the final site plan.

Ald. M. Steuer asked if this is in the Navarino area. N. Halvorsen stated yes. He then asked if they had any thoughts of bringing this to the HPC. He stated it is not necessary, but thought the committee might come up with things that could help with their project. N. Halvorsen stated that their renovations were recognized in part by the Historic Preservation Committee some years ago for work we generally do in renovating property. They have done much research regarding the history of the building. They have also spoken with Navarino Neighborhood Association and they are in support of the renovations. S. Bremer agreed with Ald. M. Steuer that they should bring this to the HPC and asked if he would be bringing this project to the HPC. N. Halvorsen stated that he would be happy to present this to the HPC.

Joshua Schwalde – 1216 Cherry Street: He stated he was a volunteer and working with NeighborWorks on the farmory project. He is in support of the project.

M. Conard returned the meeting back to regular order of business.

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to amend a previously approved Planned Unit Development (PUD) to modify the existing permitted uses for Unit B from condominium units to passive commercial for a Farmory located at 813 Chicago Street. Motion carried.

4. (VR 16-01) Discussion and action on the request to deviate from Section 14-727 of the Subdivision and Platting Ordinance to allow for a land division to not be located on a public street for a parcel currently addressed at 1609 Western Avenue, submitted by Steve Bieda, Mau & Associates, representative for E&P Properties, property owner. (Ald. B. Danzinger, District 11)

S. Hummel stated the applicant is looking to get a variance for a Certified Survey Map (CSM) that they had submitted. The original property used to have two separate lots. Lot two does not abut any part of a public right-of-way. This was allowed by code, however, once the code changed, it became a legal non-conforming lot division. They combined the two lots in 2011 and it became a contiguous lot with one building. There have been some mortgage issues with the two businesses that are in the building and they have come to Staff asking for a lot division. Now that the code specifically states that it has to abut to a public right-of-way, this is not allowed by our code. She directed Commissioners to their meeting packet for the variance regulations for the code. She briefly went through the regulations. Staff is recommending denial of the request due to the fact that there is no public frontage. Having the separate lot does not affect their business, the community or harm their ability to complete business as it stands. The building has and will continue to occupy two businesses. There is access to the rear business through an existing ingress/egress easement from Western Avenue. This would go against the nature of the code as we do like to have all lots abutting to a public right-of-way for safety, access and continuity within the city.

S. Bremer stated she appreciated the fact that there is no advantage to the business with having separate or connected lots. She stated she understood the code to ingress/egress, but is there any advantage to the city in having it as a single opposed to a double lot. S. Hummel stated yes, that a single lot would assure frontage on Western Avenue. With two lots, access could only be assured through an easement. Easements are subject to a variety of legal issues, and if the easement were to go away in the future, it would close off access to the second lot.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to deny the request to deviate from Section 14-727 of the Subdivision and Platting Ordinance to allow for a land division to not be located on a public street for a parcel currently addressed at 1609 Western Avenue. Motion carried.

5. (PP 16-01) Discussion and action on the recommendations of the Mayor for a 2016 Business Improvement District (BID) Board member for On Broadway, Inc.

S. Hummel stated that this request is in accordance with BID Guidelines to further involve the Plan Commission given their involvement with the approval of the annual business plans. There is one appointment for the On Broadway BID, Brendt Peeters. The current Chair, Rachel Sowinski, recommended B. Peeters for this appointment. S. Hummel directed Commissioners to their meeting packet for information regarding B. Peeters. Staff is recommending approval of this appointment.

A motion was made by S. Bremer and seconded by T. Gilbert to approve the recommendation of the Mayor for a 2016 Business Improvement District (BID) Board member for On Broadway, Inc. Motion carried.

OTHER:

Director's Update on Council Actions

K. Vonck reported the following information:

- The following actions were approved/moved at the January 18, 2016, City Council meeting:
 - The item from Ald. M. Steuer regarding bicycle safety was referred to Plan staff.
 - The rezoning of a portion of 2607 Nicolet Drive was moved to the third reading.
 - The CUP for Noble Roots Brewery was approved.
 - The CUP for the detached accessory building for In Competition was approved..
- The EDA had made a recommendation to rezone 28 acres on Mason and Erie Road and that rezoning did result in an offer to purchase 13 acres of property with option on the rest and the EDA took acceptance on that offer.

SUBMITTED PETITIONS:

A motion was made by S. Bremer and seconded by Ald. J. Wiezbiskie to adjourn. Motion carried.

Meeting adjourned at 7:02 p.m.